

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE HOLMES GROUP, INC.,

Plaintiff,

v.

Civil Action No. 05-CV-11367-WGY
(Alexander, M.J.)

WEST BEND HOUSEWARES, LLC and
FOCUS PRODUCTS GROUP, LLC,

Defendants.

YOUNG, D.J. / *as modified*
So ordered as the case management
scheduling order.

Discovery due *Jan 12, 2007*
Dispositive Motions due *Dec 1, 2006*

PROPOSED JOINT CASE SCHEDULE *William M. Young*
District Judge
Aug 1, 2006

Pursuant to the Court's Order dated July 21, 2006, and Local Rule 16.1, The Holmes Group, Inc. ("Holmes") and West Bend Housewares, LLC and Focus Products Group, LLC (collectively "West Bend") respectfully submit the following Proposed Joint Case Schedule. The case was originally filed on June 28, 2005 and involves accused infringement of two (2) utility patents owned by Holmes and West Bend has counterclaimed asserting infringement of three (3) design patents. All of the patents involved in the suit are related to slow cooker appliances.

1. Certification of Conference.

Pursuant to Fed. R. Civ. P. 26(f), teleconferences were conducted by lead counsel for the designated parties in the above-captioned case to arrive at the proposed joint proposed schedule.

2. Pre-Discovery Disclosures.

The information required by Fed. R. Civ. P. 26(a)(1) has already been exchanged.

3. **Amendments/Supplements to Pleadings.**

Amendments and/or supplements to the pleadings are subject to the leave of Court prior to filing.

4. **Discovery Plan.**

The parties jointly propose the following discovery plan:

- a) All fact discovery including fact depositions shall be completed by January 12, 2006.
- b) Discovery Limits:
 - 1) Maximum of 25 interrogatories by each party to any other party.
 - 2) Maximum of 40 requests for admission by each party to any other party, except for admissions related to admissibility of documents.
 - 3) Maximum of 15 depositions by each party.
- c) Identification of experts no later than October 2, 2006; objections to any expert due within fourteen days after identification.
- d) Reports from retained experts under Rule 26(a)(2) will be due from the party bearing the burden on a particular issue by November 1, 2006 with rebuttal reports due by November 17, 2006. All expert depositions to be completed by January 12, 2006.

5. **Markman Hearings.**

- a) Markman briefs on those terms from the Holmes' patents-in-suit requiring construction due September 5, 2006. The parties shall work together to narrow those terms which require construction.
- b) Markman hearing on those terms from the Holmes' patents-in-suit requiring construction on September 27, 2006.
- c) Markman briefing and hearing on the West Bend design patents-in-suit to be determined when a party moves for summary judgment involving the West Bend design patents-in-suit. Otherwise, Markman briefs on the West Bend design patents-in-suit to be filed on December 1, 2006.

6. **Dispositive Motions.**

- a) Holmes' Opposition to West Bend's Motion for Partial Summary Judgment of Noninfringement due October 6, 2006.
- b) October 18, 2006 hearing on West Bend's Motion for Partial Summary Judgment of Noninfringement.
- c) All other dispositive motions due December 1, 2006. The briefing schedule shall be governed by the Court's Local Rules.
- d) January 24, 2006 hearing on all other dispositive motions, which is based upon the Court's stated practice of setting a hearing approximately six weeks after briefing.

WBS

7. Trial.

~~Final pretrial hearing on February 5, 2007.~~ Joint Pretrial Memorandum
filed with Court on January 26, 2007.

b) Jury trial set for Court's Running Trial List as of March 5, 2007.

Respectfully submitted,

Dated: July 31, 2006

Dated: July 28, 2006

/s/ Glenn T. Henneberger

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 31, 2006.

/s/ Glenn T. Henneberger